

1 Douglas C. Erickson, No. 012130
2 Jennifer A. Sparks, No. 017502
3 **MAYNARD CRONIN ERICKSON**
4 **CURRAN & SPARKS, P.L.C.**
5 3200 North Central Avenue, Ste. 1800
Phoenix, Arizona 85012
(602) 279-8500
derickson@mmcec.com
jsparks@mmcec.com

6 Attorneys for Defendant EMC Mortgage Corporation;
7 Citibank, N.A., as Trustee for the Certificateholders
of Structured Asset Mortgage Investments II, Inc.,
8 Bear Stearns ALT-A Trust, Mortgage Pass-Through
Certificates, Series 2007-2

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 LISA D. VON DELDEN, a single woman,

No. _____

12 Plaintiff,

13 v.

14 EMC MORTGAGE CORPORATION;
15 QUALITY LOAN SERVICE CORP.;
16 ARTISAN MORTGAGE; EMPIRE
17 TITLE COMPANY; CITIBANK, N.A., as
18 Trustee for the Certificateholders of
19 Structured Asset Mortgage Investments II,
Inc., Bear Stearns ALT-A Trust, Mortgage
Pass-Through Certificates, Series 2007-2;
JOHN DOES 1-1000; JANE DOES 1-
1000; ABC CORPORATIONS I-XX;
AND XYZ PARTNERSHIPS I-XX,

20 Defendants.

NOTICE OF REMOVAL

(From Maricopa County Superior Court Case
No. CV2009-021424)

21 Defendants EMC Mortgage Corporation and Citibank, N.A., as Trustee for the
22 Certificateholders of Structured Asset Mortgage Investments II, Inc., Bear Stearns ALT-A
23 Trust, Mortgage Pass-Through Certificates, Series 2007-2, (collectively, the "Removing
24 Defendants") file this Notice of Removal to the United States District Court for the District of
25 Arizona and would show unto this Court as follows:
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1 The Removing Defendants are defendants in a civil action filed by Plaintiff on July 1,
2 2009 in the Superior Court of Maricopa County, Arizona, Case No. CV2009-021424. The
3 original complaint was served on the Removing Defendants on July 6, 2009. This Notice of
4 Removal is thus filed in the United States District Court for the District of Arizona within the
5 time allowed by law for removal of civil actions. *See* 28 U.S.C. § 1446. Undersigned counsel
6 verifies that the documents attached hereto as Exhibit “1” constitute all of the process and
7 pleadings served in this action to date.¹ A copy of this Notice of Removal has been filed with
8 the Clerk of the Superior Court of Maricopa County, Arizona.

9 Plaintiff’s complaint seeks damages and injunctive relief against the Removing
10 Defendants for alleged wrongdoing with regard to the Plaintiff’s mortgage loan under the
11 following theories: Violations of the Truth in Lending Act, 15 U.S.C. §§ 1601, *et seq.*, and
12 Regulation Z, 12 C.F.R. §§ 226, *et. seq.* (“TILA”); Violations of the Real Estate Settlement
13 Procedures Act, 12 U.S.C. §§ 2601, *et. seq.* (“RESPA”); Violations of the Home Ownership
14 Equity Protection Act, 15 U.S.C. §§ 1639, *et seq.* (“HOEPA”); Violations of the Fair Debt
15 Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.*; A.R.S. §§ 33-412 and 33-420; U.C.C.;
16 fraud, RICO, unjust enrichment, conversion, slander of title, quiet title, breach of fiduciary
17 duty, and the Arizona Consumer Fraud Act, A.R.S. §§ 44-1521, *et seq.*

18 The state court action is a removable civil action under 28 U.S.C. § 1441. The
19 complaint asserts numerous claims that raise questions under federal law. Thus, this Court has
20 original jurisdiction over this action pursuant to 28 U.S.C. § 1331. The Court has jurisdiction
21 over Plaintiff’s remaining state law claims under 28 U.S.C. §§ 1367 and 1441(c). This action
22 is removable to this Court pursuant to 28 U.S.C. § 1441(a) because this action could have been
23 originally brought in this Court.

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¹ Exhibit 1 has not been attached to the Superior Court’s copy of this notice.

The defendants named who are not part of the Removing Defendants are Quality Loan Service Corp. (“QLS”), Artisan Mortgage, and Empire Title Company. QLS and Empire Title have been or are being dismissed. Undersigned counsel has attempted to get Artisan Mortgage’s position on removal, but has not received a response on the issue.

A true copy of this Notice of Removal has been filed with the Clerk of the Superior Court of Maricopa County, Arizona, as required by 28 U.S.C. § 1446(d).

DATED this 5th day of August, 2009.

**MAYNARD CRONIN ERICKSON
CURRAN & SPARKS, P.L.C.**

By /s/Douglas C. Erickson

Douglas C. Erickson

Jennifer A. Sparks

3200 North Central Avenue, Ste. 1800
Phoenix, Arizona 85012-2443

Attorneys for Defendant EMC Mortgage Corporation; Citibank, N.A., as Trustee for the Certificateholders of Structured Asset Mortgage Investments II, Inc., Bear Stearns ALT-A Trust, Mortgage Pass-Through Certificates, Series 2007-2

ORIGINAL of the foregoing e-filed this 5th day of August, 2009, with:

Clerk of the Court
United States District Cour
401 W. Jefferson
Phoenix, AZ 85003

COPY of the foregoing delivered this 5th day of August, 2009, to:

Clerk of the Court
Maricopa County Superior Court
201 W. Jefferson
Phoenix, AZ 85003

1 **COPIES** of the foregoing electronically delivered via ECF this 5th day of August, 2009, to:

2 Robert R. Jung, 014198
3 Law Offices of Robert R. Jung
3 21001 N. Tatum Blvd.,
3 Ste. 1630-725
4 Phoenix, AZ 85050
4 Attorneys for Plaintiff

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6 By /s/Stacey Tanner

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